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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/630,442	07/29/2003	Gerald L. McMillen	6497-100	9311

36412 7590 07/18/2006

DUCKOR SPRADLING METZGER  
401 WEST A STREET, SUITE 2400  
SAN DIEGO, CA 92101-7915

EXAMINER
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GUIDOTTI, LAURA COLE

ART UNIT	PAPER NUMBER
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1744

DATE MAILED: 07/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

5

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/630,442	MCMILLEN, GERALD L.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Laura C. Guidotti	1744	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 July 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-28 are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION**

***Election/Restrictions***

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-21, drawn to a pressure washing system having a vacuum pump, classified in class 15, subclass 320.
- II. Claims 22-23, drawn to a method for delivering cleaning fluid, classified in 134/10.
- III. Claims 24-25, drawn to a fluid separator unit, classified in class 210, subclass 500.1.
- IV. Claim 26, drawn to a pumping component having a vacuum pump, classified in class 15, subclass 353.
- V. Claims 27-28, drawn to a fluid collector, classified in class 15, subclass 320.

The inventions are distinct, each from the other because of the following reasons:

Inventions group I and groups IV and V are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because the combination of a pressure washing system because the fluid pump and vacuum pump is used with fluids, not necessarily only a liquid, and the pressure washing system does

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not include fluid collector that has a perforated surge barrier with a perforated suction conduit. The subcombinations of groups IV and V have separate utility such as the pumping component includes a settlement tank unit and a vacuum pump including a blower and the fluid collector could be part of other combinations where the fluid is collected by a suction conduit in communication with a source of a vacuum.

Inventions of groups I and II are related as product and process of use. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product. See MPEP § 806.05(h). In the instant case the process of group II can be practiced with an entirely materially different product such as a device that does not include a fluid pump unit or a fluid collector.

Inventions of groups I and III are unrelated and inventions of groups II, III, IV, and V are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different designs, modes of operation, and effects (MPEP § 802.01 and § 806.06). In the instant case, the different inventions of groups I (a pressure washing system having a fluid pump, fluid collector, and vacuum pump) and III (a fluid separator unit having a separator tank and filter pad) are unrelated as it is not clear as to how the pressure washing system (that further includes a settlement tank) is capable of being used with a fluid separator unit. The washing system of group I has an entirely different design, mode of operation, and effects than that of a fluid separator unit of group III, as the fluid separator may be found in other

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systems such as fluid treatment, air treatment, or other fluid separation systems and the washing system of group I does not require a fluid separator and is capable of using a settlement tank to remove contaminants from fluid. Also, in the instant case, the different inventions of groups II (a method for delivering a cleaning fluid), III (a fluid separator), IV (a pumping component), and V (a fluid collector) are unrelated as that they are not disclosed as necessarily having capable of use together and that they have entirely different designs, mode of operations, and effects than that of each other. The method for delivering a cleaning fluid of group II does not include or would be necessarily capable of use with a fluid separator unit, a pumping component that has a settlement tank or blower, or a fluid collector having an elongated surge barrier. The fluid separator of group III would not be capable of having a method of delivering a cleaning fluid or being used in such a method, would not be capable of having a pumping component, and also would not be capable of having a fluid collector comprising a surge barrier and a suction conduit. The pumping component of group IV would not be capable of having a method of delivering a cleaning fluid or being used in such a method, would not be capable of having a fluid separator unit having a separator tank and a filter pad, and also would not be capable of having a fluid collector comprising a surge barrier and a suction conduit. The fluid collector of group V would not be capable of having a method of delivering a cleaning fluid or being used in such a method, would not be capable of having a fluid separator unit having a separator tank and a filter pad, and also would not be capable of having a pumping component.

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Because these inventions are independent or distinct for the reasons given above and have acquired a separate status in the art in view of their different classification, restriction for examination purposes as indicated is proper.

Because these inventions are independent or distinct for the reasons given above and the inventions require a different field of search (see MPEP § 808.02), restriction for examination purposes as indicated is proper.

Because these inventions are independent or distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Should applicant traverse on the ground that the inventions or species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions or species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions


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unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C.103(a) of the other invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura C. Guidotti whose telephone number is (571) 272-1272. The examiner can normally be reached on Monday-Thursday, 7:30am - 5pm, alternating Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gladys Corcoran can be reached on (571) 272-1214. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Laura C Guidotti  
Patent Examiner  
Art Unit 1744